

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED
04 OCT -6 AM 9:55
U.S. DISTRICT COURT
N.D. OF ALABAMA

DENNIS B. BANKSTON,

)

PLAINTIFF,

)

VS.

)

CV-03-H-1929-S

GENUINE PARTS COMPANY, a
corporation; and METROPOLITAN
LIFE INSURANCE COMPANY, a
corporation,

)

)

)

DEFENDANTS.

ENTERED


OCT 06 2004

MEMORANDUM OF DECISION

The separate motions of the two defendants filed August 11, 2004 for summary judgment in their respective favors are now under submission. The court has reviewed and considered the evidence filed and submitted in connection with the pending motions and finds that there is no dispute as to any material fact and that each movant is entitled to summary judgment in its favor as a matter of law. The court specifically finds, under an arbitrary and capricious standard of review, that the decision of the Health and Welfare Benefits Committee denying plaintiff's claim for long-term disability benefits under the Group Insurance Plan for Employees of Genuine Parts Insurance was reasonable and was not arbitrary or capricious in that reasonable grounds supported the decision. There is no evidence of a conflict of interest. A separate final order granting the motion of Genuine

Parts Company, a corporation, for summary judgment in its favor will be entered. Separately, but for the same reasons, there is no dispute as to any material fact, and the motion of Metropolitan Life Insurance Company for summary judgment in its favor is also due to be granted and will be included in the final separate order to be entered.

DONE this 6th day of October, 2004.


SENIOR UNITED STATES DISTRICT JUDGE